

Message Text

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ACTION DLOS-07

INFO OCT-01 EA-11 NEA-14 ISO-00 AF-10 ARA-16 EUR-25 RSC-01

CG-00 DOTE-00 CIAE-00 DODE-00 PM-07 H-03 INR-10 L-03

NSAE-00 NSC-07 PA-04 PRS-01 SP-03 SS-20 USIA-15

CEQ-02 COA-02 COME-00 EB-11 EPA-04 IO-14 NSF-04

SCI-06 FEA-02 ACDA-19 AEC-11 AGR-20 FMC-04 INT-08

JUSE-00 OMB-01 TRSE-00 OIC-04 DRC-01 /271 W

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R 311446Z MAY 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 1793

INFO AMEMBASSY SAIGON

C O N F I D E N T I A L SECTION 1 OF 2 NEW DELHI 7239

E.O. 11652: GDS

TAGS: PBOR, VS

SUBJECT: LOS: VISIT TO SAIGON

SUMMARY: LOS TEAM MET WITH RVN REPS AFTERNOON 28 MAY. PRINCIPAL MATTERS DISCUSSED WERE SECURITY AND NAVIGATION, INCLUDING RVN DRAFT LAW WHICH WOULD CLAIM TERRITORIAL SEA OF 12 MILES, REQUIRE PERMISSION FOR WARSHIPS AND NOTIFICATION FOR OTHER VESSELS ENTERING TERRITORIAL SEA; FISHERIES JURISDICTION AND SHELF DELIMITATION. RVN SUPPORTS US VIEWS ON STRAITS AND OPPOSITION TO ARCHIPELAGO PRINCIPLE IN ABSENCE SATISFACTORY GUARANTEES REGARDING FREE NAVIGATION AND DEFINITION. END SUMMARY.

1. RVN DEL CONSISTED OF MR. NGO PHUONG TUONG AND MISS NGUYEN THI NGOC LAN OF FONMIN, MR. TRAN VAN KHOI OF THE PETROLEUM BOARD, AND CDR BUI DUC TRONG OF THE NAVY. ALL EXCEPT TUONG EXPECT TO BE IN CARACAS.

2. JUST PRIOR TO COMMENCEMENT OF TALKS, TEAM WAS FURNISHED COPY
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OF AMENDED DRAFT LAW NO. 152/70/HP FIXING THE TERRITORIAL WATERS

OF VIETNAM AS PASSED BY THE LOWER HOUSE 21 MAY 1974, WHICH EMBASSY HAD JUST RECEIVED. SITUATION COMPLICATED BY TESTIMONY OF FONMIN IN SUPPORT OF LAW. DISCUSSIONS OF PROBLEMS CREATED BY THIS LEGISLATION WERE AS FOLLOWS:

- A. LAW CLAIMS TO EXTEND TERRITORIAL SEA TO 12 MILES. TEAM NOTED GENERAL PROBLEMS WITH PRINCIPLE INVOLVED IN UNILATERAL CLAIMS, AND EMPHASIZED PARTICULAR EFFECTS OF TIMING.
- B. LAW PROVIDES THAT ALL WARSHIPS MUST SEEK PERMISSION THROUGH DIPLOMATIC CHANNELS TO PASS THROUGH TERRITORIAL SEA. ALL VESSELS MUST GIVE NOTICE 24 HOURS IN ADVANCE. TEAM POINTED OUT CONFLICTS WITH INTERNATIONAL LAW, SERIOUS PREJUDICE TO MUTUAL SECURITY, NAVIGATIONAL INTERESTS, AND SOUGHT TO DETERMINE PROBLEM WHICH RVN LAW SEEKS TO SOLVE. RVN REPS REFERRED TO PROBLEMS WITH CHINESE AND NORTH VIETNAMESE VESSELS RE SUPPLY MISSIONS TO PRG FORCES, AND NEED FOR LEGISLATION TO LEGITIMIZE ACTIONS TAKEN TO PREVENT THIS. TEAM POINTED OUT THAT PASSING SUCH LAW WILL NOT OF ITSELF DETER ACTIONS COMPLAINED OF, AND THAT LAW COULD BE RECOGNIZED AS LEGITIMATE BASIS FOR ACTIONS CONTEMPLATED, WITH UNFORTUNATE POTENTIAL FOR PUBLIC DISPARITY OF POSITIONS BETWEEN USG AND RVN AND PREJUDICE TO MUTUAL INTERESTS IN OTHER AREAS.
- C. RVN REPS EXPERTS
RED UNDERSTANDING OF PROBLEMS CREATED BY
TIMING OF 12-MILE CLAIM, AND SHOWED SOME RESPONSIVENESS TO SUGGESTIONS FOR SOME MEANS OF DELAY, E.G., APPROPRIATE STATEMENT BY PRESIDENT UPON SIGNING, DELAYING IMPLEMENTATION. AS TO CONSENT AND NOTICE PROVISIONS, THEY APPEARED MOST RELUCTANT TO MAKE CHANGES, WITH NAVY REP STATING THERE IS "REALLY NOTHING WE CAN DO NOW."
- D. EMBASSY AND TEAM DISCUSSED FOLLOW-UP APPROACH AND ARGUMENTS TO BE USED BY EMBASSY, AND TEAM UNDERSTANDS SUCH APPROACH IS PLANNED FOR NEAR FUTURE. TEAM LEFT SUGGESTIONS AND DRAFT ARGUMENTS WITH EMBASSY.

3. GENERAL NAVIGATIONAL AND SECURITY ISSUES WERE DISCUSSED IN CONTEXT OF POSITIONS FOR CARACAS. MISS LAN, PRINCIPAL SPOKESMAN DURING TALKS, HAD ATTENDED NAIROBI CONFERENCE AND RELATED STRONG BUT UNSUCCESSFUL EFFORTS BY ARCHIPELAGO STATES, PARTICULARLY PHILIPPINES, TO OBTAIN DECLARATIONS OF SUPPORT FOR CONCEPT, PARTICULARLY FROM OTHER STATES IN THE REGION. MISS LAN REPORTED
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THAT THEY "EVEN THREATENED." RVN REPS WERE INTERESTED IN USG POSITION ON ARCHIPELAGOS. TEAM EXPRESSED COMPLETE OPPOSITION TO CONCEPT AS PRESENTLY FORMULATED, AND INDICATED THAT RESOLUTION OF PROBLEM WOULD DEPEND UPON WILLINGNESS OF CLAIMANTS TO MODIFY CLAIMS TO PROVIDE ACCEPTABLE LIMITING DEFINITION AND ADEQUATE GUARANTEES OF FREE NAVIGATION AND OVERFLIGHT. IN RESPONSE TO SPECIFIC QUESTION, TEAM EXPLAINED GENERALLY WHY NAVIGATIONAL REGIME PROPOSED IN UK DRAFT ARTICLES WAS NOT ADEQUATE. AT

TERMINATION OF DISCUSSION OF NAVIGATIONAL ISSUES, MISS LAN
EXPRESSED SUPPORT FOR U.S. POSITION ON STRAITS AND ARCHIPELAGOS
IN VIEW OF RVN BEING THE "STATE IN THE REGION MOST CONCERNED."

4. IN DISCUSSING FISHERIES, TEAM NOTED BUT DID NOT AGAIN PURSUE
GENERAL PROBLEM CAUSED BY CLAIMS SUCH AS RVN 50 MILE FISHERIES
ZONE. DETAILED DISCUSSION DISCLOSED NO SUBSTANTIAL RVN PROBLEM
WITH U.S. FISHERIES POSITION. DISCUSSION OF ECONOMIC ZONE AND
DEEP SEABEDS FOLLOWS SIMILAR PATTERN, WITH TEAM EMPHASIZING
REASONS FOR OUR APPROACH ON DEEP SEABEDS.

5. ISLAND ISSUE AND LATERAL DELIMITATION OF ECONOMIC ZONE
AND SHELF BETWEEN NEIGHBORING STATES CAME UP SEVERAL TIMES WITH
RVN REPS PRESSING FOR U.S. POSITION, OBVIOUSLY IN LIGHT DIS-
PUTE WITH INDONESIA. TEAM EXPLAINED THAT U.S. PREFERS NOT TO
HAVE ISLAND AND DELIMITATION ISSUES DISRUPT LOS NEGOTIATIONS,
AS PRECISE SOLUTION ON DELIMITATION BETWEEN NEIGHBORING
STATES IN SUCH CONTEXT PROBABLY CANNOT BE ACHIEVED AND WOULD
PREJUDICE WIDESPREAD RATIFICATION OF TREATY. KHOI FELT NATURAL
PROLONGATION THEORY OF CONTINENTAL SHELF DOCTRINE WAS BETTER
FOR GVN IN CONTEXT LATERAL DELIMITATION WITH FOREIGN ISLANDS
THAN ABSORBING SEABED JURISDICTION INTO ECONOMIC ZONE.

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INFO OCT-01 EA-11 NEA-14 ISO-00 AF-10 ARA-16 EUR-25 RSC-01

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R 311446Z MAY 74

FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 1796

INFO AMEMBASSY SAIGON

C O N F I D E N T I A L SECTION 2 OF 2 NEW DELHI 7239

BYM LENGTHY SCIENTIFIC RESEARCH DISCUSSION AT EMBASSY DINNER PRODUCED SEVERAL POINTED QUESTIONS BY RVN REPS DIRECTED AT MILITARY ESPIONAGE. TEAM RESPONSE ATTEMPTED TO SHIFT FOCUS TO RESOURCE RELATED RESEARCH AND INDICATED THAT THATES EXPRESSING CONCERN OVER MILITARY RESEARCH ESSENTIALLY ATTEMPTING TO CONTROL NAVIGATION IN GENERAL. AFTER EXPLANATION OF US ARTICLES, GVN REPS SAID THEY UNDERSTOOD U.S. ARGUMENTS, BUT SAID ACHIEVEMENT OF U.S. OBJECTIVES WOULD BE "VERY DIFFICULT" IN LIGHT "FEARS OF DEVELOPING COUNTRIES."

7. MISS LAN INDICATED STRONG OPPOSITION TO CHINESE PROCEDURAL PROPOSAL ON CREDENTIALS, AND ASKED IF U.S. IS ALSO OPPOSED. WE SAID WE THOUGHT IT WAS A BAD IDEA.

8. AS IN KOREA, QUESTION OF COMMUNICATIONS WITH CAPITALS CAME UP. IT IS POSSIBLE USDEL WILL GET REQUEST FOR USE OF ITS COMMUNICATIONS FACILITIES FROM TIME TO TIME FROM CLOSE LDC FRIENDS. WITHOUT INVITING ANY SUCH REQUESTS, LOS TEAM AND EMBASSY SAIGON RECOMMEND USDEL BE PREPARED TO RESPOND FAVORABLY.
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CERTAIN PARALLELS BETWEEN ROK AND RVN APPROACH APPARENT, ALTHOUGH PROBABLY NOT COORDINATED. IT APPEARS THAT EACH WOULD LIKE TO SUPPORT U.S. ON SECURITY AND NAVIGATIONAL ISSUES, BUT IS ALSO SEEKING AREAS TO PROTECT THEIR POLITICAL INTERESTS AMONG DEVELOPING COUNTRIES. EACH APPARENTLY SEES DEEP SEABEDS AND SCIENTIFIC RESEARCH AS MOST CONVENIENT ISSUES ON WHICH TO SUPPORT LDC LINE. SCHNEIDER

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